

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 16-cv-00429-GPG

CURTIS L. WRIGHT,

Plaintiff,

v.

BC SERVICES,

Defendant.

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**ORDER OF DISMISSAL**

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On February 22, 2016, Plaintiff Curtis L. Wright initiated this action by filing *pro se* a Complaint (ECF No. 1) and a Motion and Affidavit for Leave to Proceed On Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 (ECF No. 2).

As part of the Court's review pursuant to D.C.COLO.LCivR 8.1(a), the Court determined that Plaintiff's documents were deficient. In an order (ECF No. 4) entered on February 25, 2016, Magistrate Judge Gordon P. Gallagher directed Plaintiff to cure the deficiencies if he wished to pursue his claims. Specifically, Magistrate Judge Gallagher informed Plaintiff that he needed to file his complaint on the court-approved form for *pro se* plaintiffs, and to submit an Application to Proceed in District Court Without Prepaying Fees or Costs on the court-approved form. The February 25 order also informed Plaintiff that the action would be dismissed without further notice if he failed to cure the deficiencies within thirty days.

No further pleadings have been filed by Plaintiff to date. Because Plaintiff has

failed to cure the deficiencies within the time allowed, the action will be dismissed without prejudice.

The Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order is not taken in good faith, and, therefore, *in forma pauperis* status is denied for the purpose of appeal. See *Coppedge v. United States*, 369 U.S. 438 (1962). If Plaintiff files a notice of appeal he must also pay the full \$505 appellate filing fee or file a motion to proceed *in forma pauperis* in the Tenth Circuit within thirty days in accordance with Fed. R. App. P. 24. Accordingly, it is

**ORDERED** that the Complaint and the action are dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to cure the deficiencies and for failure to prosecute. It is

**FURTHER ORDERED** that leave to proceed *in forma pauperis* on appeal is DENIED. It is

**FURTHER ORDERED** that the Motion and Affidavit for Leave to Proceed On Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 (ECF No. 2), is denied as moot.

DATED at Denver, Colorado, this 31<sup>st</sup> day of March, 2016.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, Senior Judge  
United States District Court